

**UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

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**UNITED STATES**

**v.**

**Second Lieutenant ANTHONY G. PAGE  
United States Air Force**

**ACM 35342 (f rev)**

**25 August 2005**

Sentence adjudged 1 August 2002 by GCM convened at Randolph Air Force Base, Texas. Military Judge: Patrick M. Rosenow.

Approved sentence: Dismissal, confinement for 6 months, forfeiture of all pay and allowances, and a reprimand.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Colonel Carlos L. McDade, Major Terry L. McElyea, Major Sandra K. Whittington, Major Jennifer K. Martwick, and Captain Christopher S. Morgan.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, Major John D. Douglas, Captain C. Taylor Smith, and Clayton O'Connor (legal intern).

Before

**MALLOY, ORR, and JOHNSON**  
Appellate Military Judges

**UPON FURTHER REVIEW**

**PER CURIAM:**

This case is before this Court for further review. In an unpublished opinion, dated 22 December 2004, we considered three assignments of error raised by the appellant. We found merit in one and returned the record of trial to The Judge Advocate General for submission to a convening authority for a new action that expressly complied with *United States v. Emminizer*, 56 M.J. 441 (C.A.A.F. 2002). That task has been accomplished and the case is now before this Court for further review. We adhere to our original decision regarding the other two issues asserted by the appellant and will not readdress those

issues. *See United States v. Page*, ACM 35342 (A.F. Ct. Crim. App. 22 Dec 2004) (unpub. op.).

Upon further review, we have reexamined the record of trial, the assignment of error, and the government's reply thereto. We find it unnecessary to address whether the new action complies with *Emminizer* because we find only so much of the approved sentence as provides for a dismissal and confinement for six months is correct in law and fact, and on the basis of the entire record, should be approved. Article 66(c), UCMJ, 10 U.S.C. § 866(c). *See also United States v. Lajaunie*, 60 M.J. 280 (C.A.A.F. 2004) (Crawford, C.J., dissenting); Rules for Courts-Martial 1003(b)(1) and 1107(f)(4)(G) (an approved reprimand shall be issued in writing and included in the action).

The approved findings and sentence, as modified, are correct in law and fact, and no error prejudicial to the substantial rights of the appellant occurred. Article 66(c), UCMJ; *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the approved findings and sentence, as modified, are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE  
Clerk of Court